

**QUINN EMANUEL URQUHART & SULLIVAN, LLP**

Diane M. Doolittle (CA Bar No. 142046)  
dianedoolittle@quinnemanuel.com  
Sara Jenkins (CA Bar No. 230097)  
sarajenkins@quinnemanuel.com  
555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, CA 94065  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

Andrew H. Schapiro (admitted *pro hac vice*)  
andrewschapiro@quinnemanuel.com  
Teuta Fani (admitted *pro hac vice*)  
teutafani@quinnemanuel.com  
191 N. Wacker Drive, Suite 2700  
Chicago, IL 60606  
Telephone: (312) 705-7400  
Facsimile: (312) 705-7401

Stephen A. Broome (CA Bar No. 314605)  
stephenbroome@quinnemanuel.com  
Viola Trebicka (CA Bar No. 269526)  
violatrebicka@quinnemanuel.com  
Marie Hayrapetian (CA Bar No. 315797)  
mariehayrapetian@quinnemanuel.com  
865 S. Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
Telephone: (213) 443-3000  
Facsimile: (213) 443-3100

Josef Ansorge (admitted *pro hac vice*)  
josefansorge@quinnemanuel.com  
Xi ("Tracy") Gao (CA Bar No. 326266)  
tracygao@quinnemanuel.com  
Carl Spilly (admitted *pro hac vice*)  
carlspilly@quinnemanuel.com  
1300 I Street NW, Suite 900  
Washington D.C., 20005  
Telephone: (202) 538-8000  
Facsimile: (202) 538-8100

Jomaire Crawford (admitted *pro hac vice*)  
jomairecrawford@quinnemanuel.com  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
Telephone: (212) 849-7000  
Facsimile: (212) 849-7100

Jonathan Tse (CA Bar No. 305468)  
jonathantse@quinnemanuel.com  
50 California Street, 22nd Floor  
San Francisco, CA 94111  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

*Counsel for Defendant Google LLC*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, WILLIAM BYATT,  
JEREMY DAVIS, CHRISTOPHER  
CASTILLO, and MONIQUE TRUJILLO,  
individually and on behalf of all similarly  
situated,

Plaintiffs,

v.

GOOGLE LLC,  
Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**GOOGLE LLC'S ADMINISTRATIVE  
MOTION TO SEAL PORTIONS OF  
GOOGLE LLC'S OPPOSITION TO  
PLAINTIFFS' SUPPLEMENTAL  
SANCTIONS BRIEF PURSUANT TO  
DKT. 624**

Referral: Hon. Susan van Keulen, USMJ

## I. INTRODUCTION

Pursuant to Civil Local Rules 7-11 and 79-5, Defendant Google LLC (“Google”) respectfully seeks to seal the following portions of Google LLC’s Opposition to Plaintiffs’ Supplemental Sanctions Brief Pursuant to Dkt. 624 (“Opposition”), which contain Google’s confidential and proprietary information, including details related to Google’s internal projects, data signals, and logs, and their proprietary functionalities. This information is highly confidential and should be protected.

This Administrative Motion pertains to the following information contained in the Opposition:

Documents Sought to Be Sealed	Portions to be Filed Under Seal	Party Claiming Confidentiality
Google LLC’s Opposition to Plaintiffs’ Supplemental Sanctions Brief Pursuant to Dkt. 624	Portions Highlighted at:  Pages 1:13, 2:6, 2:18, 2:22-23, 2:26, 2:28, 3:1-6, 3:8-9, 4:10, 4:14, 5:12, 8:7	Google
Second Supplemental Declaration of Martin Sramek in Response to May 20, 2022 Order	Portions Highlighted at:  Pages 1:10, 1:16-18, 2:18, 2:20-24, 2:26-3:3, 3:5-8	Google
Exhibit 1 to Trebicka Declaration	Portions Highlighted at:  PDF Pages 2-3	Google
Exhibit 2 to Trebicka Declaration	Portions Highlighted at:  Pages 140:11, 140:14-15, 140:18	Google
Exhibit 3 to Trebicka Declaration	Portions Highlighted at:  Seal Entirely	Google
Exhibit 4 to Trebicka Declaration	Portions Highlighted at:  Seal Entirely	Google
Exhibit 5 to Trebicka Declaration	Portions Highlighted at:  Pages 4:12, 4:18, 4:21, 5:14-15, 198:7, 198:18, 199:17, 201:4-5, 372:11, 372:15, 390:1-2, 390:15, 390:20	Google
Exhibit 7 to Trebicka Declaration	Portions Highlighted at:  Pages 94:15-24, 96:4, 97:24, 101:11, 101:15, 101:18	Google
Exhibit 10 to Trebicka Declaration	Portions Highlighted at:  Pages 409:1, 410:13, 410:17,	Google

	411:22, 412:5-6, 412:10, 412:12, 413:7, 415:19-21, 417:11, 419:23, 418:1, 418:4, 418:16, 419:23, 420:2, 420:7	
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## II. LEGAL STANDARD

The common law right of public access to judicial records in a civil case is not a constitutional right and it is “not absolute.” *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 598 (1978) (noting that the “right to inspect and copy judicial records is not absolute” and that “courts have refused to permit their files to serve as reservoirs of . . . sources of business information that might harm a litigant’s competitive standing”). Sealing is appropriate when the information at issue constitutes “competitively sensitive information,” such as “confidential research, development, or commercial information.” *France Telecom S.A. v. Marvell Semiconductor Inc.*, 2014 WL 4965995, at \*4 (N.D. Cal. Oct. 3, 2014); *see also Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (acknowledging courts’ “broad latitude” to “prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information”).

## III. THE ABOVE IDENTIFIED MATERIALS SHOULD ALL BE SEALED

Courts have repeatedly found it appropriate to seal documents that contain “business information that might harm a litigant’s competitive standing.” *Nixon*, 435 U.S. at 589-99; *see also Turner v. United States*, 2019 WL 4732143, at \*9 (finding good cause to seal “confidential medical information”). Good cause to seal is shown when a party seeks to seal materials that “contain[ ] confidential information about the operation of [the party’s] products and that public disclosure could harm [the party] by disclosing confidential technical information.” *Digital Reg. of Texas, LLC v. Adobe Sys., Inc.*, 2014 WL 6986068, at \*1 (N.D. Cal. Dec. 10, 2014). Materials that could harm a litigant’s competitive standing may be sealed even under the “compelling reasons” standard. *See e.g., Icon-IP Pty Ltd. v. Specialized Bicycle Components, Inc.*, 2015 WL 984121, at \*2 (N.D. Cal. Mar. 4, 2015) (information “is appropriately sealable under the ‘compelling reasons’ standard where that information could be used to the company’s competitive disadvantage”) (citation omitted).

1 Here, the Opposition comprises confidential information regarding highly sensitive features of  
2 Google's internal systems and operations that Google does not share publicly. Specifically, this  
3 information provides details related to Google's internal projects, proposals, and their proprietary  
4 functionalities. Such information reveals Google's internal strategies, system designs, and business  
5 practices for operating and maintaining many of its important services while complying with legal and  
6 privacy obligations.

7 Public disclosure of the above-listed information would harm Google's competitive standing it  
8 has earned through years of innovation and careful deliberation, by revealing sensitive aspects of  
9 Google's proprietary systems, strategies, designs, and practices to Google's competitors. That alone is  
10 a proper basis to seal such information. *See, e.g., Free Range Content, Inc. v. Google Inc.*, No. 14-cv-  
11 02329-BLF, Dkt. No. 192, at 3-9 (N.D. Cal. May 3, 2017) (granting Google's motion to seal certain  
12 sensitive business information related to Google's processes and policies to ensure the integrity and  
13 security of a different advertising system); *Huawei Techs., Co. v. Samsung Elecs. Co.*, No. 3:16-cv-  
14 02787-WHO, Dkt. No. 446, at 19 (N.D. Cal. Jan. 30, 2019) (sealing confidential sales data because  
15 "disclosure would harm their competitive standing by giving competitors insight they do not have");  
16 *Trotsky v. Travelers Indem. Co.*, 2013 WL 12116153, at \*8 (W.D. Wash. May 8, 2013) (granting  
17 motion to seal as to "internal research results that disclose statistical coding that is not publically  
18 available").

19 Moreover, if publicly disclosed, malicious actors may use such information to seek to  
20 compromise Google's internal systems and data structures. Google would be placed at an increased  
21 risk of cybersecurity threats, and data related to its users could similarly be at risk. *See, e.g., In re*  
22 *Google Inc. Gmail Litig.*, 2013 WL 5366963, at \*3 (N.D. Cal. Sept. 25, 2013) (sealing "material  
23 concern[ing] how users' interactions with the Gmail system affects how messages are transmitted"  
24 because if made public, it "could lead to a breach in the security of the Gmail system"). The security  
25 threat is an additional reason for this Court to seal the identified information.

26 The information Google seeks to redact is the minimal amount of information needed to  
27 protect its internal systems and operations from being exposed to not only its competitors but also to  
28 nefarious actors who may improperly seek access to and disrupt these systems and operations. The

“good cause” rather than the “compelling reasons” standard should apply but under either standard, Google’s sealing request is warranted.

#### IV. CONCLUSION

For the foregoing reasons, Google respectfully requests that the Court seal the identified portions of the Opposition.

DATED: August 18, 2022

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

By /s/ Andrew H. Schapiro

Andrew H. Schapiro (admitted *pro hac vice*)  
andrewschapiro@quinnemanuel.com  
191 N. Wacker Drive, Suite 2700  
Chicago, IL 60606  
Telephone: (312) 705-7400  
Facsimile: (312) 705-7401

Stephen A. Broome (CA Bar No. 314605)  
stephenbroome@quinnemanuel.com  
Viola Trebicka (CA Bar No. 269526)  
violatrebicka@quinnemanuel.com  
Crystal Nix-Hines (Bar No. 326971)  
crystalnixhines@quinnemanuel.com  
Marie Hayrapetian (CA Bar No. 315797)  
mariehayrapetian@quinnemanuel.com  
865 S. Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
Telephone: (213) 443-3000  
Facsimile: (213) 443-3100

Diane M. Doolittle (CA Bar No. 142046)  
dianedoolittle@quinnemanuel.com  
555 Twin Dolphin Drive, 5th Floor  
Redwood Shores, CA 94065  
Telephone: (650) 801-5000  
Facsimile: (650) 801-5100

Josef Ansorge (admitted *pro hac vice*)  
josefansorge@quinnemanuel.com  
1300 I. Street, N.W., Suite 900  
Washington, D.C. 20005  
Telephone: 202-538-8000  
Facsimile: 202-538-8100

Jomaire A. Crawford (admitted *pro hac vice*)  
jomairecrawford@quinnemanuel.com

1 51 Madison Avenue, 22nd Floor  
2 New York, NY 10010  
3 Telephone: (212) 849-7000  
4 Facsimile: (212) 849-7100

5 Jonathan Tse (CA Bar No. 305468)  
6 jonathantse@quinnemanuel.com  
7 50 California Street, 22nd Floor  
8 San Francisco, CA 94111  
9 Telephone: (415) 875-6600  
10 Facsimile: (415) 875-6700

11 *Attorneys for Defendant Google LLC*  
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